

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**In re Ethicon, Inc. Pelvic Repair System  
Products Liability Litigation**

**MDL No. 2327**

**THIS DOCUMENT RELATES TO ALL CASES**

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**APPLICATION OF HENRY G. GARRARD, III FOR APPOINTMENT AS  
PLAINTIFFS' COORDINATING CO-LEAD COUNSEL**

The undersigned, Henry G. Garrard, III, of the law firm of Blasingame, Burch, Garrard & Ashley, P.C., submits his Application for Appointment as Plaintiffs' Coordinating Co-Lead Counsel,<sup>1</sup> and respectfully shows the following:

Henry G. Garrard, III graduated *cum laude* from the University of Georgia in 1968, and he graduated *cum laude* from the University of Georgia School of Law in 1970. He served on the Editorial Board of the Georgia Law Review (1969-1970). Mr. Garrard is a Fellow of the American College of Trial Lawyers, he has been recognized in "The Best Lawyers in America" publication every year for over 10 years, and he is "AV" rated by Martindale-Hubbell.

Mr. Garrard is admitted to practice before the Georgia Court of Appeals (6/14/71) and the Georgia Supreme Court (6/14/71). A copy of a Certificate of Good Standing for Mr. Garrard from the Georgia Supreme Court is attached hereto as "**Exhibit 1.**" Mr. Garrard is also admitted to the Bar of the following United States District Courts: Southern District of Georgia (9/20/79); Middle District of Georgia (6/12/71); Northern District of Georgia (12/19/83); and the Court of Federal Claims (10/17/01). Mr. Garrard is a member of the Bar of the following United States Courts of Appeals: 4<sup>th</sup> Circuit (10/30/92); 5<sup>th</sup> Circuit (10/20/81); 11<sup>th</sup> Circuit (3/24/05); and the United States Supreme Court (2/26/90).

Mr. Garrard is a founding member and the senior shareholder of the Athens, Georgia law firm of Blasingame, Burch, Garrard & Ashley, P.C., and he heads the firm's plaintiff's litigation department. Mr. Garrard has extensive experience in handling complex mass tort and product

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<sup>1</sup> The undersigned references the position of "Plaintiffs' Coordinating Co-Lead Counsel" as set forth and described in "Plaintiffs' Proposed Counsel Organizational Structure" previously submitted to the Court.

liability litigation. From 1982 to 1999, Mr. Garrard served as national trial counsel for Pittsburgh Corning Corporation, a manufacturer of asbestos-containing products, and he represented a number of other corporate defendants in asbestos litigation. He has served as lead counsel in complex product liability jury trials in State and Federal courts throughout the United States, including several consolidated multi-plaintiff trials against numerous defendants. Mr. Garrard was lead and coordinating counsel for Pittsburgh Corning in two mass trials tried before the Hon. Andrew McQueen in Kanawah County Circuit Court. Both of those consolidated trials included more than 1,000 cases. Mr. Garrard has also tried consolidated asbestos trials in Morgantown, West Virginia, and he has argued before the West Virginia Supreme Court.

Mr. Garrard is also experienced in handling complex, multi-party litigation involving medical devices. In 2009, he was appointed as sole Plaintiffs' Lead and Co- Liaison Counsel and to the Plaintiff's Steering Committee in the Mentor ObTape MDL (MDL 2004) before the Hon. Clay D. Land of the U.S. District Court for the Middle District of Georgia. Similar to the present MDL, the Mentor ObTape MDL involved claims for personal injury arising out of the implantation of a mesh device in the pelvic region of women. Mr. Garrard conducted nearly all of the depositions of plaintiff and defense witnesses and both parties' experts, and he was responsible for the development of all of the expert witnesses who testified on behalf of the Plaintiffs regarding issues of product defect and causation. Mr. Garrard was also lead counsel for the only jury trial conducted to date in the Mentor ObTape MDL, a consolidated, four-plaintiff trial which settled for a confidential sum after one week of trial. He and other members of his firm were trial counsel for the Plaintiffs in that trial. The consolidated MDL trial resulted in the settlement of a large number of cases in which Mr. Garrard and his firm served as counsel.

Since February 1, 2011, Mr. Garrard has served in this Court as Plaintiffs' Lead Counsel in the In re C.R. Bard, Inc. Pelvic Repair Systems Prods. Liab. Litig., MDL 2187. His firm filed and argued the motion before the MDL Panel that resulted in the transfer of the Avaulta cases to this Court, as well as the subsequent pleadings with the Panel that resulted in the transfer of the remainder of the women's pelvic repair products sold by C.R. Bard, Inc. to this Court. To date, Mr. Garrard's firm has filed over 300 of the cases pending in MDL 2187. Throughout the course of MDL 2187, Mr. Garrard has demonstrated a willingness and ability to work cooperatively with not only the several other law firms representing plaintiffs in this litigation, but also with the several defense firms involved in this MDL to keep this litigation moving forward.

Mr. Garrard's extensive involvement in women's pelvic repair mesh litigation since 2006 has earned him recognition as a leader in this area. Mr. Garrard serves as the Co-Chair of the American Association for Justice's Transvaginal Mesh Litigation Group, and, and he has frequently been sought out to share his knowledge and experience with other lawyers at legal seminars around the country.

Mr. Garrard and his firm have devoted significant time and resources to the development of the cases in this MDL proceeding, and will continue to do so. Besides Mr. Garrard, four of his law firm's partners (Gary B. Blasingame, Andrew J. Hill, III, James B. Matthews, III, and Josh B. Wages)<sup>2</sup> and three associates (Mal S. Duncan, Leanna B. Pittard, and Jennifer K. Register), have been and will continue to be actively involved in the these cases, along with many more dedicated and experienced staff.

This 22<sup>nd</sup> day of March, 2012.

By: /s/ Henry G. Garrard, III  
Henry G. Garrard, III  
Georgia Bar No. 286300

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<sup>2</sup> Along with Mr. Garrard, Mr. Blasingame, Mr. Hill and Mr. Matthews are also Fellows of the American College of Trial Lawyers. A separate application for the Plaintiffs' Steering Committee is being filed on behalf of Josh B. Wages, who is also a partner in Blasingame, Burch, Garrard & Ashley, P.C.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Henry G. Garrard, III

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